

Attorney Docket No.: 1348-1010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application: Arthur Yuichi Tsubaki
Serial No.: 09/924,788
Filed: August 8, 2001
Art Unit: 2645
Confirmation No.: 2798
Examiner: MD Shafiul Alam Elahee
For: Dynamically Programmable Frequency Scanning
Radio Receiver and Method of Programming the
Same

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Declaration Under 37 C.F.R. §1.131

Dear Sir:

This is a Declaration under 37 C.F.R. §1.131 to establish invention of the subject matter of the above-captioned application in the United States at a date prior to February 16, 2001, i.e., the effective date of the cited prior art United States Publication No. US 2001/0006892 A1, entitled "Apparatus and Method for Automatically Programming Frequency Scanning Radio Receivers," published in the name of Richard E. Barnett, (hereinafter "Barnett").

I, Arthur Yuichi Tsubaki, hereby declare the following:

1. I have been employed as a Director of Product Planning at Uniden America Corporation (hereinafter referred to as "Uniden") since December, 2000.
2. As part of my responsibilities at Uniden, I oversee the product development and marketing of products in various categories. In 2001, frequency scanning radio receivers was one of the product categories under my supervision.
3. In early 2001, I performed a study relating to frequency scanning radio receivers and determined that many users of frequency scanning radio receivers found the units difficult to program and that a need existed for an easier way to program frequency scanning radio receivers.
4. In January, 2001, I conceived the idea of integrating global positioning system (GPS) technology into a frequency scanning radio receiver to simplify the programming process. As evidence of this conception, I have attached hereto as Exhibit A and Exhibit B, copies of two pages from my inventor's notebook dated January 23, 2001 and February 1, 2001, respectively.
5. Specifically, Exhibit A states under the heading of Product Plan and subheadings of Scanner and New

Scanner Technology: "GPS: helps find frequency faster" and Exhibit B states under the heading of Scanners: "GPS tech - add to scanner - simplify auto load memory - location sensing - mobile (car) & handheld scanner - module/connection" and "GPS - built in/module (longitude/latitude) - PC - download proper frequencies combine SW."

6. These engineering notes reflect by conception of the invention of a programmable frequency scanning radio receiver the uses a position locating device to automate the programming of the frequency scanning radio receiver as claimed in the instant patent application.
7. Based upon Exhibits A and B, it can be seen that the invention in this application was conceived at least by the date of February 1, 2001, which is a date earlier than the effective date of Barnett.
8. Between February 1, 2001 and February 27, 2001, I discussed the GPS scanner concept with Uniden personnel including co-inventors Kenneth Carpenter and James Cassidy.
9. On or about February 27, 2001 and in accordance with the then existing product development procedure at

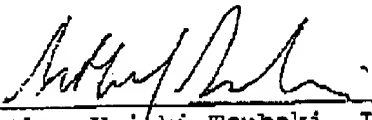
Uniden, I presented the GPS scanner concept to Uniden management for initial acceptance at which time Uniden management approved the GPS scanner concept for further evaluation.

10. Between February 27, 2001 and April 28, 2001, I performed a preliminary engineering and product feasibility study and prepared a more detailed presentation relating to the product direction of frequency scanning radio receivers including the GPS scanner concept.
11. On or about April 28, 2001, I made a formal presentation to Uniden management regarding the product direction of frequency scanning radio receivers including the GPS scanner concept at which time the GPS scanner concept was approved for future technology implementation and legal review.
12. Between April 29, 2001 and May 14, 2001, I met with Brianna Hinojosa-Flores, Intellectual Property Coordinator at Uniden regarding the GPS scanner concept and acquisition of patent protection for the GPS scanner concept.

13. On information and belief, on or about May 14, 2001, Mrs. Hinojosa-Flores performed a patent search relating to the GPS scanner concept.
14. Between May 15, 2001 and June 1, 2001, I drafted a formal disclosure relating to the GPS scanner concept.
15. On June 1, 2001 I submitted the formal disclosure on a Uniden Invention Disclosure Form to Mrs. Hinojosa-Flores.
16. On June 19, 2001, I met with Lawrence R. Youst, outside patent counsel from Danamraj & Youst, P.C., to provide an oral invention disclosure relating to the GPS scanner concept.
17. On or about July 16, 2001, I received a draft of the patent application relating to the GPS scanner concept prepared by Mr. Youst.
18. Between July 16, 2001 and August 7, 2001, I reviewed the patent application, provided comments relating to the patent application and executed the Declaration and Power of Attorney.
19. The patent application relating to the GPS scanner concept was filed on August 8, 2001.
20. As the below named inventor, I believe that the completion of the invention was diligent, from the

time of my conception, to a time just prior to the date of Barnett, up to the filing of this application on August 8, 2001.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Arthur Yuichi Tsubaki, Inventor

1/20/2005
Date